

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAVID MIEDEL,

Plaintiff,

v.

Civil Action No. 1:25-cv-406-HYJ-SJB  
Chief Judge Hala Y. Jarbou  
Magistrate Judge Sally J. Berens

ALLY BANK,  
Defendant.

**DEFENDANT ALLY BANK’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant Ally Bank (“Ally”), by counsel, hereby submits its Motion to Dismiss the Complaint filed by Plaintiff David Miedel pursuant to Rule 12(b)(1) & (6) of the Federal Rules of Civil Procedure. The reasons and grounds supporting this Motion are more specifically set forth in the accompanying Brief in Support, which is incorporated by reference herein.

WHEREFORE, Ally respectfully requests that the Court enter an Order dismissing Plaintiff’s Complaint with prejudice and grant such other and further relief as the Court deems appropriate.

Dated: May 6, 2025

Respectfully submitted,

/s/ Mark D. Kundmueller

Ethan G. Ostroff, Esq.

Mark D. Kundmueller, Esq. (P66306)

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*Attorneys for Ally Bank*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2025, a copy of Defendant Ally Bank's Motion to Dismiss Plaintiff's Complaint was filed through the Court's CM/ECF system, and notice will be sent by operation of the Court's electronic filing system to all ECF participants.

I further certify that a true and correct copy of the foregoing documents was served upon Plaintiff via Federal Express to:

David Miedel  
9612 Woodbury Rd.  
Laingsburg, MI 48848  
*Pro Se Plaintiff*

I further certify that a courtesy copy of the aforesaid was sent via Federal Express to the Hon. Hala Y. Jarbou, 138 Chamberlain Federal Building, 315 W. Allegan St, Lansing, MI 48933.

/s/ Mark D. Kundmueller  
Mark D. Kundmueller, Esq. (P66306)